

REMARKS

Applicant has carefully reviewed the Application in light of the Office Action mailed February 8, 2005. At the time of the Office Action, Claims 1 and 4-25 were pending in the Application. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Double Patenting Rejection

Claims 1-26 of the present application are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Patent No. 6,314,110 B1. Applicant has submitted a Terminal Disclaimer, which is appended to this Response, in order to overcome the nonstatutory double patenting rejection. Applicant respectfully requests that the rejection be withdrawn.

It is imperative to note that filing of the Terminal Disclaimer should not be construed as an agreement with, or an acquiescence to, the propriety thereof. Applicant has only filed such an item in order to advance prosecution in this case. Applicant reserves the right to comment on the appropriateness of the Terminal Disclaimer at a future time, should Applicant deem it appropriate to do so.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant submits herewith a check in the amount of \$110.00 to cover the cost of the terminal disclaimer fee. The Commissioner is hereby authorized to charge any additional amount required or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas Frame at 214.953.6675.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicant

Thomas Frame  
Thomas Frame  
Reg. No. 47,232

Date: February 28<sup>th</sup>, 2005

Customer No. **05073**